IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6515 of 2007(S)

CRMP.1634/2007 of DISTRICT COURT, KOTTAYAM
CRIME NO.245/07 OF THE ERATTUPETTA POLICE STATION.

.....

PETITIONERS/ACCUSED 1,2 AND 4

---

1. SEBASTIAN @ DEVASIA, S/O MANI,
ARIMATTATHU HOUSE, THALUNKAL KARA,
KOTTICKAL VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

2. BINOY SEBASTIAN, S/O SEBASTIAN,
ARIMATTATHU HOUSE, THALUNKAL KARA,
KOTTICKAL VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

3. ROSAMMA,
ARIMATTATHU HOUSE, THALUNKAL KARA,
KOTTICKAL VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6515 OF 2007

Dated this the 5th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1, 2 and 4. They face allegations for offences punishable under Sec.465 of the IPC. They are allegedly responsible for creating a false document in which the signature of the purported executant was forged. The crime has been registered on the basis of a private complaint filed by the complainant which the learned Magistrate pleased to refer to the police under Sec.156(3) of the Cr.P.C. It is submitted at the Bar that the disputes have been settled between the parties.

2. The learned Public Prosecutor, after taking instructions, confirms that the parties have settled their disputes and that the police, in these circumstances, have no

objection in anticipatory bail being granted to the petitioners subject to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation. I am satisfied that the prayer can be granted in the light of the settlement between the parties. In the absence of opposition, it is not necessary to advert to the facts in any greater detail in this order.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 12/11/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 2 p.m. on 13/11/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law

as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 12/11/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 12/11/07.

Sd/-
(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge